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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,310	03/30/2004	Ehud Mendelson	REL-8149 D1	5155
24131	7590	06/06/2005		EXAMINER
LERNER AND GREENBERG, PA				LOUIS JACQUES, JACQUES H
P O BOX 2480				
HOLLYWOOD, FL 33022-2480			ART UNIT	PAPER NUMBER
				3661

DATE MAILED: 06/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/814,310	MENDELSON ET AL.	

  

<b>Examiner</b>	<b>Art Unit</b>	
Jacques H Louis-Jacques	3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 30 March 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-19 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 03302004.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

S.O.O.

## **DETAILED ACTION**

### *Abstract*

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because the used of legal terminology, such as "disclosed" should be avoided. Correction is required. See MPEP § 608.01(b).

### *Claim Rejections - 35 USC § 101*

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 13-19 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. In the present case, the claims merely recite "a computer readable medium having program instructions."

### *Claim Rejections - 35 USC § 102*

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-2 and 13-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Le Tallec et al [6,438,492].

Le Tallec et al discloses a device for improving the security of aircraft in visual flight regime, such as in operating an aircraft early warning system. According to Le Tallec et al, there is provided monitoring and processing aircraft data (column 2) to determine the possibility of an accident or conflict and displaying cockpit, aircraft and environmental parameters (column 2). According to Le Tallec et al, there is also provided alerting an on-board crewmember and optimizing workloads to minimize the risk or possibility of collision (column 2). Furthermore, as described in columns 3-4, Le Tallec et al discloses making a change to minimize risk and prevent accidents.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3-5, 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Le Tallec et al [6,438,492] in view of Gerstenfeld et al [5,200,901].

Le Tallec et al does not particularly teach the steps of extracting scenarios for assessing a risk of an aircraft operation. Gerstenfeld et al, on the other hand, discloses a direct entry air traffic control system for accident analysis and training. According to Gerstenfeld et al, there is provided an expert system controller for extracting scenarios based on a plurality of pre-stored events in order to detect a hazardous event based on simulation and to assess a risk of an aircraft operation and determine a probability of a reoccurrence based on the assessed risk (abstract, figures 15, 17, column 4). Also, Gerstenfeld et al discloses displaying and replaying the detected in a three-dimensional view, identifying, evaluating and implementing alternatives for mitigating the risks (figures 4, 5, 8, 9, and 11, columns 2-4, 11-12). Thus, it would have been obvious to one skilled in the art at the time of the invention to be motivated to modify the aircraft security system of Le Tallec et al by incorporating the features from the aircraft traffic analysis and training of Gerstenfeld et al because such modification provide the ability to use or employ difference event scenarios in order to minimize the risk or possibly of an accident, thereby improving safety.

9. Claims 6-10, 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Le Tallec et al [6,438,492] in view of Gardner [6,526,337].

Le Tallec et al does not particularly teach a ground staff assuming the control of the aircraft and providing instructions for maneuvering the aircraft. Gardner, on the other hand, discloses a supervisory control system for aircraft light management, wherein there is provided alerting ground staff (25) if an emergency situation (e.g. chaotic condition) occurs setting landing priorities to expedite a safe landing, and wherein the ground staff

assumes remote operation of the aircraft. See figure 1. According also to Gardner, there is provided sending instructions to an aircraft auto-flight system for assuming control of the aircraft and for maneuvering the aircraft (columns 1-2). See also columns 3-4. Thus, it would have been obvious to one skilled in the art at the time of the invention to be motivated to modify the aircraft security system of Le Tallec et al by incorporating the features from supervisory control system of Gardner because such modification would facilitate the control of the aircraft, thereby avoiding any possible chaotic situation.

10. Claims 11-12, rejected under 35 U.S.C. 103(a) as being unpatentable over Le Tallec et al [6,438,492] in view of Monroe [6,392,692]].

Le Tallec et al does not particularly teach that the aircraft data is stored ground storage by backing up information contained in the aircraft black box. Monroe, on the other hand, discloses a network communication technique for security surveillance and safety system for aircraft, wherein aircraft data are transmitted and analyzed for monitoring critical conditions (hazardous event or condition). According to Monroe, the aircraft data (images as well as voice) are stored in black box onboard the aircraft and transmitted to a secure ground storage unit (abstract). Also, according to Monroe, the stored data is transmitted to at least one of an airline and federal personal for at least one of security analysis and flight operational quality assurance analysis (columns 5 and 6). Thus, it would have been obvious to one skilled in the art at the time of the invention to be motivated to modify the aircraft security system of Le Tallec et al by incorporating the features from the security surveillance and safety system of Monroe because such modification would provide a record for the flight (aircraft) data or critical information to

aid in the determination of the causes of an accident, and the reconstruction of the events in a post-event investigation.

***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

5,111,400	Yoder	May 1992
5,838,262	Kershner et al	Nov. 1998
6,133,867	Eberwine et al	Oct. 2000
6,292,720	Schulz et al	Sep. 2001
6,381,538	Robinson et al	Apr. 2002
6,501,392	Gremmert et al	Dec. 2002
6,732,027	Betters et al	May 2004

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacques H Louis-Jacques whose telephone number is 571-272-6962. The examiner can normally be reached on M-Th 5:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 571-272-6956. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3661

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jacques H Louis-Jacques  
Primary Examiner  
Art Unit 3661

/jlj

*Jacques H. Louis-Jacques*  
JACQUES H. LOUIS-JACQUES  
PRIMARY EXAMINER